

SENATE BILL 830

Unofficial Copy
M3

2001 Regular Session
11r2517
CF 11r2463

By: **Senators Frosh, Astle, Blount, Bromwell, Collins, Currie, Dyson, Green, Hollinger, Pinsky, Sfikas, Stone, and ~~Van Hollen~~ Van Hollen, Conway, Harris, and Jacobs**

Introduced and read first time: February 16, 2001

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 22, 2001

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Environment - Dredged Material Management**

3 FOR the purpose of prohibiting a person from redepositing dredged material in a
4 certain manner except when used under certain circumstances; authorizing a
5 person to redeposit a certain amount of dredged material after a certain date
6 and under certain circumstances; establishing an Executive Committee to
7 provide oversight in the development of plans for dredged material
8 management; providing for the membership of the Executive Committee;
9 providing for the frequency of meetings of the Executive Committee; requiring
10 the Executive Committee to perform certain duties; requiring the Executive
11 Committee to provide certain reports to the General Assembly in a certain
12 manner and by certain dates; defining certain terms; modifying certain
13 definitions; and generally relating to the management of dredged material.

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 5-1101(a) and 5-1102
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to
20 Article - Environment
21 Section 5-1104.2
22 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

2 Preamble

3 WHEREAS, The Chesapeake Bay and its tributaries are a precious resource to
4 all Marylanders; and

5 WHEREAS, The Port of Baltimore is a major economic component to the State
6 of Maryland providing employment and livelihood to Marylanders; and

7 WHEREAS, The Port of Baltimore requires maintaining and improving
8 shipping channels and berths to serve the international shipping industry; and

9 WHEREAS, The State of Maryland should have a long-range dredged material
10 management plan that is effective and environmentally sound; now, therefore,

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Environment**

14 5-1101.

15 (a) In this subtitle the following words have the meanings indicated.

16 (1) ["Spoil" means earth, rock, soil, waste matter, muck, or other
17 material excavated or dredged from Baltimore Harbor and approach channels.]
18 "DREDGED MATERIAL" MEANS EARTH, SAND, SILT, SEDIMENT, SHELL, ROCK, SOIL,
19 WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM THE
20 CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

21 (2) "Baltimore County tributary [spoil] DREDGED MATERIAL" means
22 earth, rock, soil, waste matter, muck, or other materials excavated or dredged from an
23 approved dredging project in any of the Baltimore County tributaries of the
24 Chesapeake Bay.

25 (3) "Redeposit" means to dump, scatter, pour, or otherwise deposit
26 [spoil] DREDGED MATERIAL [or, if made applicable by the provisions of this subtitle
27 or Title 5 of the Natural Resources Article, Baltimore County tributary spoil in a
28 confined manner].

29 (4) "Baltimore Harbor" means the waterway which consists of the tidal
30 portions of Patapsco River and its tributaries lying westward of a line extending from
31 Rock Point in Anne Arundel County to North Point in Baltimore County.

32 (5) (i) "Sewage sludge" means the accumulated semiliquid suspension
33 of settled solids, or dried residue of these solids, that is deposited from sewage in
34 wastewater treatment plant tanks or basins.

1 (ii) "Sewage sludge" includes raw untreated sewage disposed from
2 the Back River Sewage Treatment Plant.

3 (6) "Deep trough" means any region that:

4 (i) Is south of the Chesapeake Bay Bridge and north of a line
5 extending westerly from Bloody Point; and

6 (ii) Has a depth that exceeds 60 feet.

7 (7) "BENEFICIAL USE OF DREDGED MATERIAL" MEANS ANY OF THE
8 FOLLOWING USES OF DREDGED MATERIAL FROM THE CHESAPEAKE BAY AND ITS
9 TRIBUTARY WATERS PLACED INTO WATERS OR ONTO BOTTOMLAND OF THE
10 CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES, INCLUDING BALTIMORE HARBOR:

11 (I) THE RESTORATION OF UNDERWATER GRASSES;

12 (II) THE RESTORATION OF ISLANDS;

13 (III) THE STABILIZATION OF ERODING SHORELINES;

14 (IV) THE CREATION OR RESTORATION OF WETLANDS; AND

15 (V) THE CREATION, RESTORATION, OR ENHANCEMENT OF FISH OR
16 SHELLFISH HABITATS.

17 (8) "INNOVATIVE REUSE" INCLUDES THE USE OF DREDGED MATERIAL
18 IN THE DEVELOPMENT OR MANUFACTURING OF COMMERCIAL, INDUSTRIAL,
19 HORTICULTURAL, AGRICULTURAL, OR OTHER PRODUCTS.

20 5-1102.

21 (a) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined
22 manner [spoil] DREDGED MATERIAL from Baltimore Harbor into or onto any portion
23 of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any
24 of the Chesapeake Bay's tributaries outside of Baltimore Harbor. However, the [spoil]
25 DREDGED MATERIAL may be redeposited in contained areas approved by the
26 Department.

27 (b) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined
28 manner Baltimore County tributary [spoil] DREDGED MATERIAL into or onto any
29 portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions
30 of any of the Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure
31 Island chain in Baltimore County.

32 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON
33 MAY NOT REDEPOSIT IN AN UNCONFINED MANNER DREDGED MATERIAL INTO OR
34 ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR
35 OF THE TIDEWATER PORTION OF ANY OF THE CHESAPEAKE BAY'S TRIBUTARIES
36 EXCEPT WHEN USED FOR A BENEFICIAL USE PROJECT UNDERTAKEN IN

1 ACCORDANCE WITH STATE AND FEDERAL LAWS. HOWEVER, THE DREDGED
2 MATERIAL MAY BE REDEPOSITED IN CONTAINED AREAS APPROVED BY THE
3 DEPARTMENT.

4 (D) (1) BEGINNING OCTOBER 1, 2001, SUBJECT TO PARAGRAPH (2) OF THIS
5 SUBSECTION, AND IN ACCORDANCE WITH STATE AND FEDERAL LAW, A PERSON MAY
6 REDEPOSIT UP TO 7.4 MILLION CUBIC YARDS OF DREDGED MATERIAL INTO OR ONTO
7 ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR THE
8 TIDEWATER PORTIONS COLLECTIVELY KNOWN AS POOLES ISLAND, INCLUDING
9 G-WEST AND SITE 92.

10 (2) THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER THIS
11 SUBSECTION MAY NOT OCCUR AFTER THE SOONER OF:

12 (I) DECEMBER 31, 2010; OR

13 (II) THE INITIATION OF THE PLACEMENT OF DREDGED MATERIAL
14 IN ANY SITE OR SITES APPROVED PURSUANT TO THE PROCESS ESTABLISHED IN §
15 5-1104.2(D)(1) IF THE TOTAL CAPACITY OF THE APPROVED SITE OR SITES, WHEN
16 COMBINED WITH THE APPROVED CAPACITY OF EXISTING PLACEMENT SITES
17 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL
18 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED
19 MATERIAL MANAGEMENT, PROVIDE 20 YEARS OF PLACEMENT CAPACITY FOR
20 DREDGED MATERIAL.

21 [(c)] (E) A person may not dump, deposit, scatter, or release sewage sludge by
22 any means, including discharge from a sewer or pipe, into or onto any portion of the
23 water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the
24 Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island
25 chain in Baltimore County.

26 [(d)] (F) A person may not [dump, deposit, or scatter any earth, rock, soil,
27 waste matter, muck,] REDEPOSIT DREDGED MATERIAL or other material excavated
28 or dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of
29 the bottomlands or waters of the Chesapeake Bay known as the deep trough.

30 5-1104.2.

31 (A) THERE IS AN EXECUTIVE COMMITTEE CREATED TO PROVIDE OVERSIGHT
32 IN THE DEVELOPMENT OF THE STATE OF MARYLAND'S PLANS FOR DREDGED
33 MATERIAL MANAGEMENT.

34 (B) THE EXECUTIVE COMMITTEE SHALL CONSIST OF:

35 (1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
36 DESIGNEE;

37 (2) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S
38 DESIGNEE;

1 (3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
2 DESIGNEE;

3 (4) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
4 PHILADELPHIA DISTRICT;

5 (5) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
6 BALTIMORE DISTRICT;

7 (6) A REPRESENTATIVE OF THE CHESAPEAKE BAY FOUNDATION,
8 DESIGNATED BY THE CHESAPEAKE BAY FOUNDATION;

9 (7) A REPRESENTATIVE OF THE MANAGEMENT COMMITTEE OF THE
10 DREDGED MATERIAL PLACEMENT PROGRAM; AND

11 (8) A CITIZEN REPRESENTATIVE, APPOINTED BY THE GOVERNOR.

12 (C) THE EXECUTIVE COMMITTEE SHALL MEET AS NEEDED, BUT NOT LESS
13 THAN SEMIANNUALLY.

14 (D) THE EXECUTIVE COMMITTEE SHALL:

15 (1) REVIEW AND RECOMMEND DREDGED MATERIAL PLACEMENT
16 OPTIONS, INCLUDING, BUT NOT LIMITED TO, THE PLACEMENT SITES IDENTIFIED IN
17 THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL ASSEMBLY REGARDING
18 THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED MATERIAL MANAGEMENT, TO
19 FILL SHORT-TERM CAPACITY NEEDS AS SPECIFIED IN § 5-1102(D)(2)(II);

20 (2) REVIEW AND RECOMMEND ELEMENTS, AS PART OF A CONTINUOUS
21 AND LONG-TERM STRATEGIC PLAN FOR DREDGED MATERIAL MANAGEMENT,
22 INCLUDING CHANGES TO THE PLAN; AND

23 (3) REVIEW AND RECOMMEND DREDGED MATERIAL DISPOSAL SITES
24 FOR LONG-TERM DREDGED MATERIAL PLACEMENT CAPACITY BASED ON THE
25 FOLLOWING HIERARCHY:

26 (I) BENEFICIAL USE AND INNOVATIVE REUSE OF DREDGED
27 MATERIAL;

28 (II) UPLAND SITES AND OTHER ENVIRONMENTALLY SOUND
29 CONFINED CAPACITY;

30 (III) EXPANSION OF EXISTING DREDGED MATERIAL DISPOSAL
31 CAPACITY OTHER THAN THE HART-MILLER ISLAND DREDGED MATERIAL
32 CONTAINMENT FACILITY AND AREAS COLLECTIVELY KNOWN AS POOLES ISLAND,
33 INCLUDING G-WEST AND SITE 92; AND

34 (IV) OTHER DREDGED MATERIAL PLACEMENT OPTIONS TO MEET
35 LONG-TERM PLACEMENT NEEDS, EXCEPT FOR REDEPOSITING DREDGED MATERIAL
36 IN AN UNCONFINED MANNER.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Executive Committee
2 established under this Act shall submit a report, subject to § 2-1246 of the State
3 Government Article, to the General Assembly: (a) on or before December 31, 2001, on
4 the implementation of this Act; and (b) on or before December 31, 2002, on
5 recommendations for a strategic long-term dredged material management plan for
6 Maryland.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2001.